

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

H. LEIGHTON LASKEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-018-JJF
	)	
PFC. ROBERT C. LEGATES,	)	
PFC. WHEATLEY TOWN OF	)	
MILLSBORO AND MILLSBORO	)	
POLICE DEPARTMENT,	)	
	)	
Defendants.	)	

**DEFENDANTS TOWN OF MILLSBORO AND MILLSBORO POLICE DEPARTMENT'S  
MOTION TO DISMISS PLAINTIFF'S "AMENDMENT" AND "AMENDED" COMPLAINT**

Pursuant to F.R.C.P. 12(b)6, Defendants Millsboro Police Department and Town of Millsboro move to dismiss Plaintiff's "Amendment" and "Amended" Complaint for failure to state a claim upon which relief can be granted. The grounds for defendants' Motion are set forth in defendants' PFC Robert C. Legates and PFC Wheatley's Motion to Dismiss and Memorandum of Points and Authorities in Support Thereof. (D.I. 27). Defendants Town of Millsboro and Millsboro Police Department hereby adopt and incorporate by reference herein the Memorandum of Points of Authorities in support of the individual Defendants' Motion to Dismiss Plaintiff's "Amendment" and "Amended" Complaint (D.I. 27).

**WHEREFORE**, defendants Millsboro Police Department and Town of Millsboro request that Plaintiff's "Amended" and "Amendment" Complaint be dismissed with prejudice for failure to state a claim upon which relief can be granted.

**AKIN & HERRON, P.A.**

/s/ Bruce C. Herron

Bruce C. Herron

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Dated: December 20, 2006